

JURISDICTION:

MASSACHUSETTS

General Reference:

This chapter summarizes Massachusetts State statutes related to speed. Massachusetts General Laws Annotated and Code of Massachusetts Regulations (CMR)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall "run" a motor vehicle at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public.¹ Ch. 90, §17

Statutory Speed Limit:
See Other below.

65 MPH on certain parts of interstate highways² Ch. 90, §17A

Posted (Maximum) Speed Limit:

The State or a local government may regulate the speed limit on a highway. Ch. 90, §18 Note: Massachusetts law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

Minimum Speed Limit:

No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon a highway. 720 CMR 9.06(6)(a)

Posted (Minimum) Speed Limit:

Other:

- I. No vehicle with a load of weighing >4 tons when equipped with metallic tire shall be operated at a speed >4 MPH. Ch. 85, §31
- II. Certain State agencies have the authority to regulate speed on certain roads or highways under their jurisdiction. The regulations governing these speed limits are not reported in detail.³
- III. Except on limited access highways, a school bus shall not be driven >40 MPH while actually engaged in carrying school children. Ch. 90, §17
- IV. A motorized bicycle shall not be driven at speed >25 MPH. Ch. 90, §1B (¶ 1)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Speed Violations are Civil Motor Vehicle Infractions. Ch. 90C, §1

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

¹It is *prima facie* evidence of a violation of this rule if a person operates a motor vehicle in excess of the following speed limits: (1) >50 MPH on a divided highway outside a thickly populated business district; (2) >40 MPH on any other highway outside a thickly populated business district; (3) >30 MPH inside a thickly populated business district; (4) >20 MPH in an established school zone; and, (5) >15 MPH in the vicinity of a vehicle which is selling merchandise and is displaying flashing amber lights. Ch. 90, §17

²This speed limit applies "on interstate highway route 90, the Massachusetts Turnpike, between the New York state border and the Westfield interchange, and from the Ludlow interchange to the Auburn interchange, interstate highway route 91 from the Vermont border to Northampton, Exit 21, and interstate 95 from the Newbury interchange 56 to the Danvers interchange 50..." Ch. 90, §17A

³E.g., 321 CMR 3.01(1)(g) which regulates speed on roads in wildlife management areas; 730 CMR 3.04 (2)(s) and 3.05(15), (16) & (17) which regulates speed in certain tunnels; 350 CMR 4.01(2) which regulates speed on roads controlled by the Metropolitan District Commission; 740 CMR 11.05(2) which regulates speed on the Maurice J. Tobin Bridge; 304 CMR 12.16(2) which regulates speed in certain forests and parks; and, 740 CMR 21.51(6) which regulates speed on roads around certain airports.

MASSACHUSETTS

Amount (\$ Range):

Basic Speed Rule, Speed Limit Violations-Not less than **\$50**⁴ If the offender was exceeding the speed limit by >10 MPH, an additional fine of **\$10 per MPH** over the such limit. Ch. 90, §20 (¶2)

Unnecessarily Obstructing Traffic-Not more than **\$20** 720 CMR 9.06(6)(a) & Ch. 85, §2

Exceeding 4 MPH While Operating Vehicles with Metallic Tires with a Load >4 Tons-Not more than **\$100** Ch. 85, §32

Driving a Motorized Bicycle >25 MPH-1st offense-A fine of not less than **\$25** 2nd offense-A fine of not less than **\$25** nor more than **\$50** Subsequent offense-a fine of not less than **\$50** nor more than **\$100** Ch. 90, §1B (¶ 3)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Term of License Withdrawal

(Days, Months, Years, etc.):

Mandatory Minimum Term of

Withdrawal:

IMPORTANT. Action is limited to certain speed law violations.⁵

⁴I. **Heavy Vehicles.** A person who violates the speed laws when operating any motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit, operating under a permit issued under Ch. 85, §§30 and 31A, and which is over weight, is subject to the following fine sanctions: 1st offense-Not more than \$100; 2nd offense within 12 months-\$100 to \$150; and, subsequent offense-\$150 to \$300. Ch. 90, §20 (¶3)

II. **Exceeding the 65 MPH Speed Limit on Interstate Highways.** Although the law is not clear, it appears that the following sanctions (the general sanctions for a violation of the traffic laws) apply to this violation: 1st offense-\$35; 2nd offense within 12 months-\$35 to \$75; and a subsequent offense within 12 months-\$75 to \$150. Ch. 90, §20 (¶1)

⁵I. For a violation of either the Basic Speed Rule (Ch. 90, §17) or a Posted Speed Limit (Ch. 90, §18)-3rd or subsequent offense (within 12 months)-**Revocation for at least 30 days** Ch. 90, §20 (¶4) A 30 day revocation period appears to be mandatory.

II. For persons <18 years old who hold a "junior operator's license" and who violate either the Basic Speed Rule (Ch. 90, §17), the 65 MPH speed limit (Ch. 90, §17A) or a Posted Speed Limit (Ch. 90, §18)-2nd offense-**Suspension for 180 days (mandatory)** and 3rd or subsequent offense-**Suspension for 1 year (mandatory)**. Ch. 90, §20 (¶4)

III. The State licensing agency has the authority to either suspend or revoke a person's driving privilege based on a violation of the traffic laws if it believes that the violation was of such a nature that continuing to allow the offender to drive would "constitute an immediate threat to the public safety." Ch. 90, §22(a)

Miscellaneous Sanctions Not Included Elsewhere:	See III under Footnote No. 5.
<u>Other Criminal Actions Related to Speeding:</u>	
<u>Drag Racing:</u>	Civil Motor Vehicle Infraction Ch. 90, §17B & Ch. 90C, §1
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	None
Mandatory Minimum Term:	
Fine (\$ Range):	<u>1st offense-\$100 to \$500 Subsequent offense-\$200 to \$1,000</u> Ch. 90 §17B
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and	
Type of Action:	Suspension Ch. 90, §§17B & 20 (¶4)
Length of Term of	
Licensing Withdrawal:	<u>1st offense</u> (ALL OFFENDERS)-Not less than 30 days <u>Subsequent offense</u> -Not less than 60 days Ch. 90 §17B For persons <18 years old who hold a "junior operator's license"- <u>2nd offense-180 days 3rd or subsequent offense-1 year</u> Ch. 90, §20 (¶4)
Mandatory Action--Minimum	
Length of License	
Withdrawal:	<u>1st offense</u> (ALL OFFENDERS)- 30 days <u>Subsequent offense-60 days</u> Ch. 90 §17B The minimum suspension period appears to be mandatory. For persons <18 years old who hold a "junior operator's license"- <u>2nd offense-180 days 3rd or subsequent offense-1 year</u> Ch. 90, §20 (¶4)
Other:	
<u>Racing on the Highway</u> ⁶ :	Misdemeanor Ch. 90, §24(2)(a) & Ch. 274, §1
Sanction:	
Criminal:	
Imprisonment (Term):	2 weeks to 2 years Ch. 90, §24(2)(a)
Mandatory Minimum Term	
of Imprisonment:	None
Fine (\$ Range):	\$20 to \$200 Ch. 90, §24(2)(a)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action	
(Susp/Rev):	Revocation Ch. 90, §24(2)(b)
Length of Term of License	
Withdrawal Action:	<u>1st offense</u> -At least 60 days <u>Subsequent offense</u> within 3 years-At least 1 year Ch. 90, §24(2)(c)
Mandatory Term of License	
Withdrawal Action:	<u>1st offense-60 days</u> <u>Subsequent offense</u> within 3 years- 1 year Ch. 90, §24(2)(c)
Other:	The registrations of any vehicles owned by the offender may be revoked. Ch. 90, §24(2)(b)

⁶Although the State does not have a specific crime entitled "racing on the highway", it does make it an offense to operate a motor a vehicle on a highway upon a bet or wager in a race or for the purpose of making a record. Ch. 90, §24(2)(a)

MASSACHUSETTS

Other Criminal Actions Related to Speeding: (continued)

<u>Reckless Driving</u> ⁷ :	Misdemeanor Ch. 90, §24(2)(a) & Ch. 274, §1
Sanction:	
Criminal:	
Imprisonment (Term):	2 weeks to 2 years Ch. 90, §24(2)(a)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	\$20 to \$200 Ch. 90, §24(2)(a)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Revocation Ch. 90, §24(2)(b)
Length of Term of License Withdrawal Action:	<u>1st offense</u> -At least 60 days <u>Subsequent offense</u> within 3 years-At least 1 year Ch. 90, §24(2)(c)
Mandatory Term of License Withdrawal Action:	None The licensing agency may rescind the revocation at any time. Ch. 90, §24(2)(c)
Other:	The registrations of any vehicles owned by the offender may be revoked. Ch. 90, §24(2)(b) Surcharge . ⁸ A defendant must pay a surcharge of \$125 for the purpose of funding head injury treatment services. Ch. 90 §24(2)(a)

Commercial Motor Vehicle (CMV) Operators⁹:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. Ch. 90F, §9(E)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days Ch. 90F, §9(E)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days Ch. 90F, §9(E)

⁷The law makes it an offense to operate a motor vehicle either (1) recklessly or (2) "negligently so that the lives or safety of the public might be endangered...." Ch. 90, §24(2)(a)

⁸This surcharge only applies to violations of the law related to negligent driving that endangers either lives or the public's safety.

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Ch. 90F, §1

¹⁰A "serious traffic violation" includes excessive speed as determined by the U.S. Department of Transportation (exceeding the speed limit by 15 or more MPH), operating a motor vehicle as to endanger or reckless driving. Ch. 90F, §1